

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RANDOLPH R. SANCHEZ,

Plaintiff,

v.

CALIFORNIA STATE GOVERNOR,  
SANTA CLARA COUNTY  
DEPARTMENT OF CORRECTIONS,

Defendants.

No. C 09-0938 MMC (PR)

**ORDER OF DISMISSAL; DENYING  
LEAVE TO PROCEED IN FORMA  
PAUPERIS**

**(Docket No. 2)**

On March 4, 2009, plaintiff, a California prisoner then incarcerated at the Santa Clara County Jail and proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983, along with a motion for leave to proceed in forma pauperis (“IFP”). That same date, the Court mailed plaintiff a notice that the action was deficient due to plaintiff’s failure to pay the requisite filing fee or, instead, to submit a completed court-approved IFP application. On March 20, 2009, said notice was returned to the Court as undeliverable because plaintiff was not at the address he had provided to the Court in his complaint.

Pursuant to the Civil Local Rules of this district, “a party proceeding *pro se* whose address changes while an action is pending must promptly file with the Court and serve upon all opposing parties a Notice of Change of Address specifying the new address.” See Civ. L. R. 3-11(a). Where mail directed to such party “has been returned to the Court as not deliverable” and “the Court fails to receive within 60 days of this return a written

1 communication from . . . the *pro se* party indicating a current address,” the Court “may  
2 dismiss the complaint without prejudice.” See Civ. L.R. 3-11(b).


3 Here, more than sixty days have passed since plaintiff’s mail was returned to the  
4 Court as undeliverable, and plaintiff has not notified the Court of his correct current address.  
5 Accordingly, the above-titled action is hereby DISMISSED without prejudice, and leave to  
6 proceed IFP is hereby DENIED.

7 This order terminates Docket No. 2.

8 The Clerk shall close the file.

9 IT IS SO ORDERED.

10 DATED: May 21, 2009

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12 MAKINE M. CHESNEY  
13 United States District Judge  
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